

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1404 of 2000

with

SPECIAL CIVIL APPLICATION No 2328 of 2000

with

SPECIAL CIVIL APPLICATION Nos.2330 to 2351 of 2000

with

SPECIAL CIVIL APPLICATION No 1447 of 2000

with

SPECIAL CIVIL APPLICATION Nos.2352 & 2353 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

VARASADA NO.1 SEVA SAHAKARI MANDALI LTD

Versus

DISTRICT REGISTRAR

Appearance:

MR JAYANT PATEL for Petitioners

MR U.A.TRIVEDI for Respondents

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 06/04/2000

ORAL JUDGEMENT

Rule, service of which is waived by learned AGP Mr U.A.Trivedi for the respondents.

In this group of petitions, common questions are involved and, therefore, they are being disposed of, upon request, by a common judgment.

The main challenge is against the order dated 2nd March, 2000 recorded by the respondent No.2, Assistant Collector, Amreli, a copy, thereof, is produced, at Annexure A, whereby, names of representatives, who are administrators/liquidators, appointed came to be excluded and direction came to be issued to nominate nominees of the petitioner societies who are voters for the purpose of casting vote by calling and holding Annual General Meeting or Special General Meeting. In short, the direction contained in the impugned order is to follow the guidelines issued in Government Circular dated 12.8.97 issued by the Registrar of Co-operatives, Gujarat State. The said circular is issued in exercise of the provisions of section 81, 115-A, 78 and 108 of the Gujarat Co-operative Societies Act, 1961. The said circular regulates the voting rights of the officers of the Federal Society when liquidators, administrators and custodians are appointed, as in-charge of the member societies of the Federal Society.

Out of this group of matters, in Special Civil Application Nos.1404, 1447, 2352 and 2353 of 2000, Liquidators are appointed, whereas, in remaining petitions Administrators are appointed.

Upon consensus and considering the facts of the case and the aforesaid circulars, in so far as Special Civil Application No.1404, 1447, 2352 and 2353 of 2000 are concerned, as per the direction contained in Circular dated 12.8.97, the concerned Liquidator is directed to obtain express permission of the District Registrar in connection with the voting right, at the election of the Federal Society. On production of such an express

permission, the name shall be included as delegate of the petitioner societies, by the election authority. Obviously, therefore, insofar as the aforesaid four matters are concerned, the order of the election authority would stand quashed.

In so far as remaining 23 matters are concerned, the issue involved is of administrators. Therefore, condition No.1 mentioned in circular dated 12.8.97 would be attracted. Administrators are appointed under section 81 of the Act and in the event of representing the primary societies or in case of exercising right of vote on behalf of the primary society, what procedure should be followed is, specifically, enumerated in condition No.1. Keeping in mind the said provisions, Administrators shall follow the said procedure and call for Special General Meeting for the purpose of appointing delegate, in accordance with law, for exercising right to vote on behalf of the primary society in the election of Federal Society and name of such delegate shall be included in the voters list.

In view of the aforesaid discussions, observations and directions, the impugned order shall stand modified to the aforesaid extent. The petitions shall stand disposed of in the aforesaid terms. Rule is, partly, made absolute with no order as to costs.

Direct service.

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